

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE:	)	CHAPTER 13
	)	
LORIN LEON FINLEY AND	)	CASE NO. 05-60710
STEPHANIE DAWN FINLEY,	)	
	)	JUDGE RUSS KENDIG
	)	
Debtors.	)	
	)	
	)	<b>ORDER DENYING MOTION TO</b>
	)	<b>ADD POST-PETITION CREDITOR</b>
	)	
	)	

On October 3, 2006, debtors filed a motion to include a postpetition creditor, Columbia Gas, in the amount of \$2,073.77. Debtors filed an appropriate notice of the motion and, following expiration of the response time, submitted an order to the court.

Postpetition debt may be included in a chapter 13 plan pursuant to 11 U.S.C. § 1305. However, a postpetition creditor cannot be forced to participate in the chapter 13 plan, but may elect to participate voluntarily. *See, e.g., In re Epstein*, 200 B.R. 611, 614 (Bankr. S.D. Ohio 1996). Columbia Gas has not demonstrated a willingness to participate in the present chapter 13 plan.

The court finds that there are at least three procedural mechanisms to accomplish the result (payment of the postpetition debt) sought by debtors: (1) a motion for offline distribution, or (2) filing a request for the postpetition creditor to file a proof of claim, or (3) filing a temporary modification to reduce payments to free up money to pay the postpetition debt. In the second scenario, the creditor should be given a bar date to file the proof of claim and a debtor must recognize that, if a claim is not filed by the postpetition creditor, the debtor cannot force the creditor into the chapter 13 plan.

In addition to the fact that Columbia did not file a proof of claim, the court also concludes the procedure used by debtors was deficient. For these reasons, the court finds the motion to include the postpetition creditor is not well-taken and hereby **DENIES** debtors' motion to include the debt in the chapter 13 plan.

It is so ordered.

**/s/ Russ Kendig**

RUSS KENDIG  
U.S. BANKRUPTCY JUDGE

**NOV - 8 2006**

**Service List:**

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Ashland, OH 44805-2105

Toby L. Rosen  
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Charter One Bank Building  
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Columbia Gas of Ohio  
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